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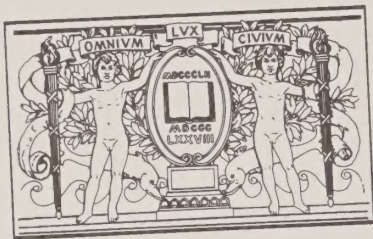


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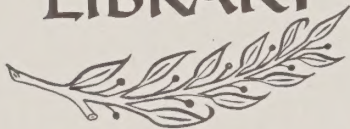
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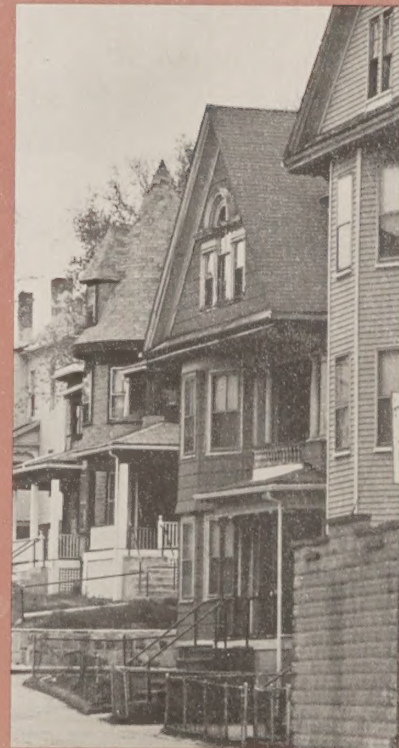
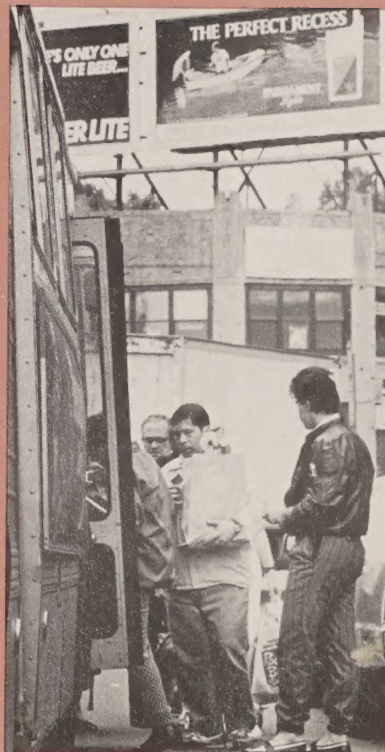
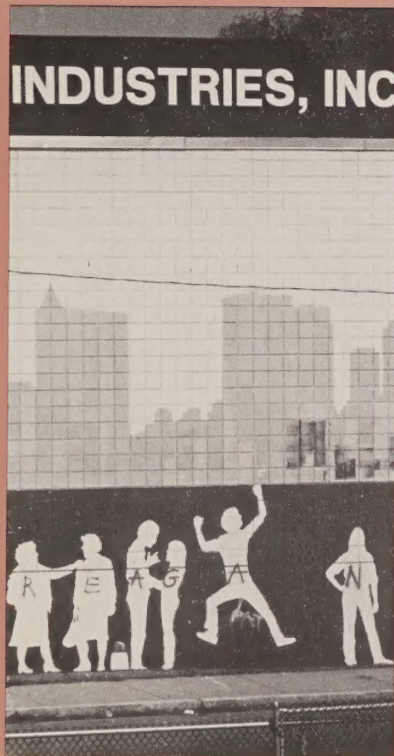
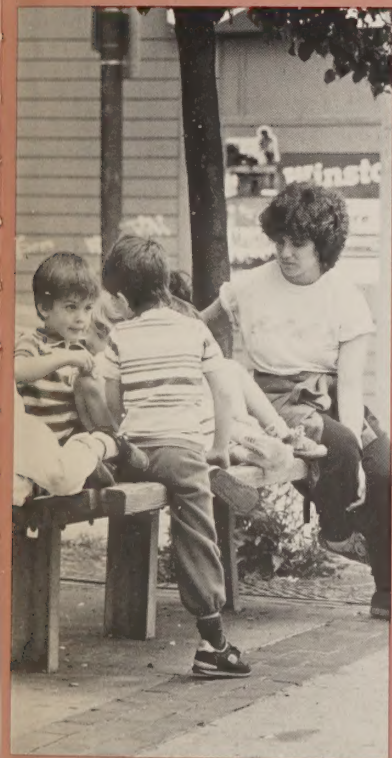
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CITIZEN'S GUIDE TO ZONING FOR BOSTON

Boston Redevelopment Authority





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WHY A CITIZEN'S GUIDE TO ZONING?

The Boston Zoning Code is a legal mechanism that regulates what property owners can and cannot do with their land. Boston's Zoning Code is complicated and is often difficult to understand and use. Since zoning controls the way growth and development take place in the City, it affects the lives of all the residents. It is therefore important to understand how zoning works.

This guide outlines the basic principles of zoning. It describes the zoning process—who's who, how it works, and the controls on land use and building dimensions. It details the citizen's role in the zoning process and how to get involved. And if all of these explanations fail to address your concerns, this guide provides a list of City departments that can help answer your questions.

The most important thing to remember is that the purpose of zoning is to protect the community. It regulates building heights, uses and locations. It dictates what types of activities can occur on different sites. The basic principles are not difficult to understand, and if you take the time to learn them, they can work for you.

Edith Netter,

Assistant Director Land Use and Environmental Policy
Boston Redevelopment Authority

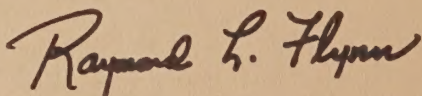
Dear Friend:

This "Citizens' Guide to Zoning for Boston" represents the continuing effort by my administration to make government more accessible and responsive to the residents of Boston's neighborhoods. The following information is intended to broaden public understanding of how the zoning code works and how it can help protect and enhance the quality of life in our neighborhoods.

The perception that zoning is reserved for so-called insiders, or for those citizens with the means to retain experts who specialize in zoning law is erroneous. With this booklet we are saying that everyone in the city has a right to know how effective zoning can be used to preserve the unique character of each and every neighborhood.

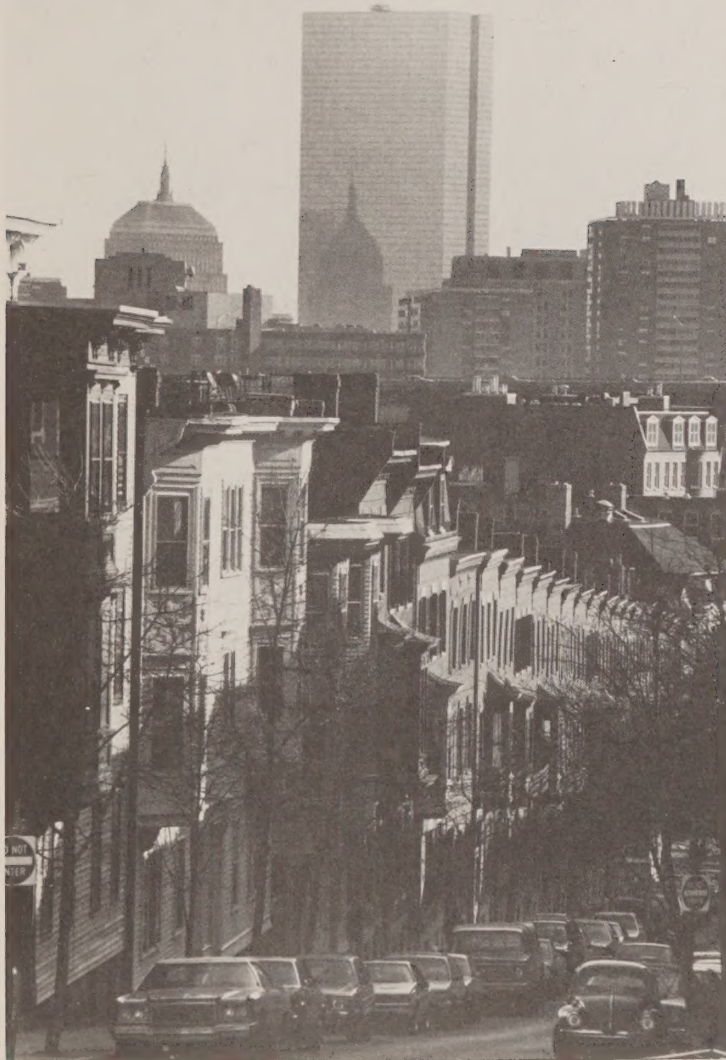
I hope you find the information in this booklet to be useful and I hope it will encourage your increased participation in the planning decisions affecting the future of Boston.

Sincerely,

A handwritten signature in dark ink, reading "Raymond L. Flynn". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Raymond L. Flynn
Mayor

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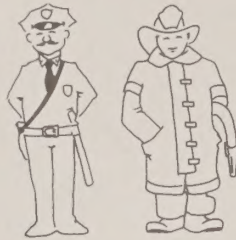
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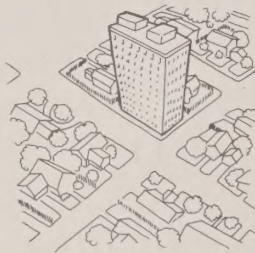
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Appendix

The purpose of the Zoning Code is to:



- ☐ promote the health, safety, convenience, welfare of the people in the City



- ☐ encourage the most appropriate use of land
- ☐ conserve the value of land and buildings



- ☐ lessen street congestion



- ☐ prevent overcrowding of land



- ☐ provide adequate light and air
- ☐ preserve open space



- ☐ preserve and increase the resources and amenities of the City



Zoning helps protect open spaces in dense urban areas—*Post Office Square*.

IMPORTANT ZONING TERMS

Accessory use - A land use which is related to and on the same lot as the principal land use.

Allowed use - A land use which is permitted as a matter of right. Board of Appeal approval is not required.

Appeal - A request made to the Board of Appeal for relief from zoning code regulations.

As of right use - Those uses which are automatically allowed by the zoning code. They are allowed "as a matter of right."

Conditional use - A land use permitted by the Zoning Code provided that it is found by the Board of Appeal to comply with certain conditions set out in the Code.

Forbidden use - A use that is not permitted in a particular district because of harmful impacts on other allowed uses; e.g., noise, pollution.

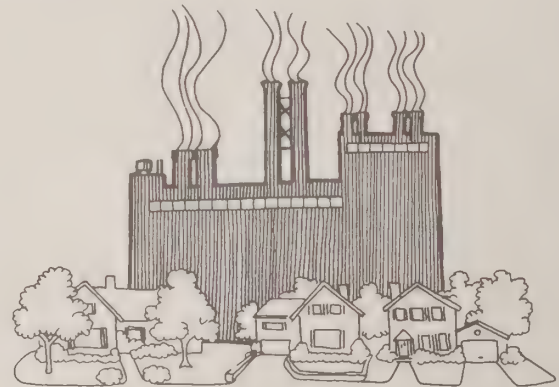
Lot, lot area - The area of a parcel of land in single ownership and not divided by a street.

Nonconforming use - A use or activity which was lawful prior to the adoption or amendment of the Zoning Code, but which does not, because of such adoption or amendment, conform to the present requirements of the Zoning Code.

Variance - Permission to deviate from a specific requirement of the Zoning Code.



Triple deckers are an "allowed use" in the "R" and "H" residential district.



Manufacturing uses are an example of a "forbidden use" in a residential district.



More than one type of use can be "allowed uses" in one district, e.g., retail and apartments in a business district.—*Hanover Street.*

Interim Planning Overlay District

The current Boston Zoning Code has been in effect for more than twenty years. Some amendments to the code have been made. But over twenty years, the city has grown and changed and old zoning regulations often no longer serve the needs of the neighborhood.

Rezoning takes time. Therefore, the City has created processes to ease problems caused by outdated zoning.

In 1984 the Zoning Commission authorized the creation of the **Interim Planning Overlay Districts (IPODs)**.

An IPOD is designed to allow comprehensive planning and rezoning of a neighborhood in keeping with the community's needs. An IPOD provides temporary zoning regulations for an area where the Zoning Commission has determined that current zoning may be inappropriate. These temporary regulations may stay in effect for a maximum of two years; afterwards, new zoning may be put in place.

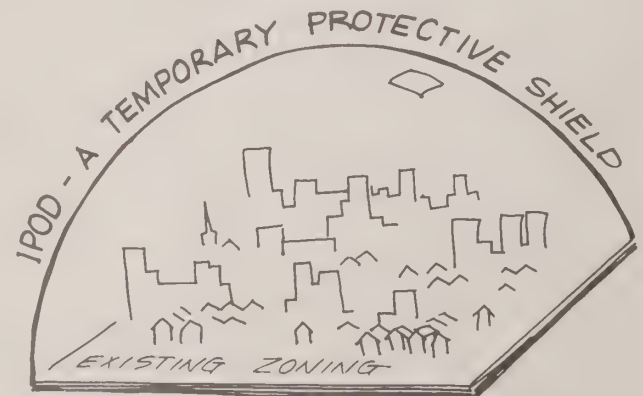
An IPOD is established as a text and map amendment to the Zoning Code.

An IPOD defines the physical boundaries of the neighborhood in question. It establishes a time period for which the IPOD will be in effect. It then details the characteristics of the district which suggest that the current zoning may be inappropriate. For instance, existing zoning may allow uses adjacent to residential sites, creating conflicts. An area zoned for business in the original code may have become residential over the years. If a developer wants to build a business next to single family homes in such a district, the old zoning allows him to do so. However, it could cause conflict in the neighborhood.

An IPOD attempts to deal with this conflict. An IPOD also provides a list of goals to be achieved in developing new zoning. These goals result from a process by which a community review committee works with the BRA Zoning staff and Mayor's Office of Neighborhood Services to identify problems and consider solutions. These solutions are then put in place as Interim Controls. Interim Controls regulate neighborhood development while the IPOD is in place.

Projects which are proposed during the two-year IPOD period must receive an Interim Planning Permit from the Board of Appeal.

An IPOD is *not* a moratorium on development. It only guides growth along lines more acceptable to the community until new zoning regulations can be put into place by the City. It also provides for community input into the neighborhood planning process and into the design of new zoning regulations.





The rezoning of the Boylston Street area in the Back Bay neighborhood is being carried out through the IPOD process.— *Boylston Street*.

When the public comes in contact with zoning issues, it does so most often through the Boston Redevelopment Authority (BRA) or the Department of Inspectional Services.

A property owner must apply to the Inspectional Services Department for a building permit or a change in use or occupancy permit. If the permit is denied because the proposed project violates the Zoning Code the applicant may appeal the decision to the Board of Appeal within Inspectional Services.

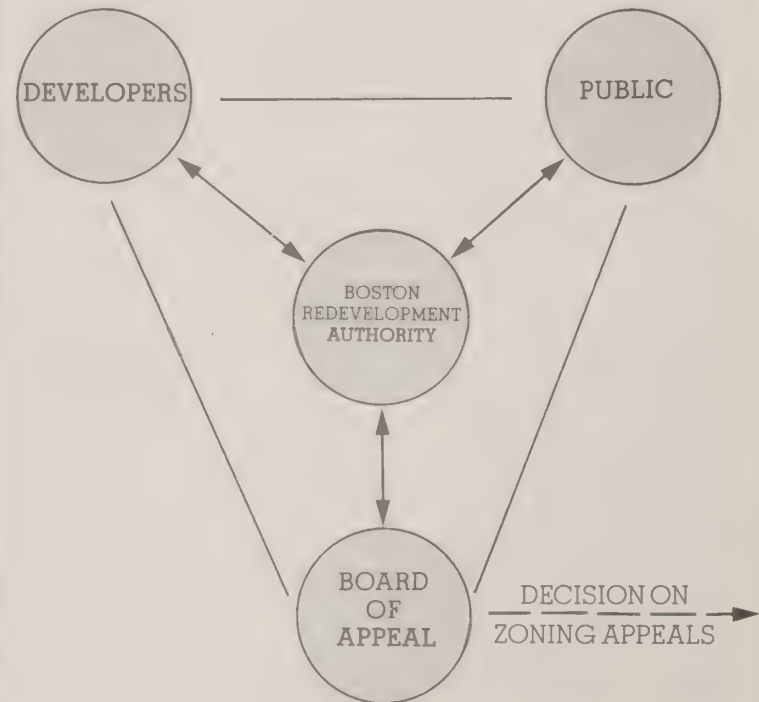
The BRA makes recommendations concerning the case after its zoning staff:

- evaluates zoning applications
- reviews development proposals
- meets with the developers
- makes site visits
- convenes neighborhood meetings

The BRA makes its recommendations to the Board of Appeal on requests for zoning variances and conditional uses and to the Zoning Commission in cases concerning Zoning Code amendments.

The BRA makes no final rulings. Final decisions are made by the Zoning Commission in the case of map or text amendments. The Board of Appeal makes final decisions in the case of variances or conditional use permits. If the decisions are in an applicant's favor, the applicant must once again file for permits at the Department of Inspectional Services before construction or changes in use or occupancy may occur.

The Boston Redevelopment Authority is a key link to the zoning system. There is a planner responsible for zoning cases in each neighborhood. This person can be reached through the Zoning Office at the BRA. If you have questions about zoning activity in your neighborhood, be sure to contact the planner for your area. You can also contact your neighborhood coordinator in the Mayor's Office of Neighborhood Services.



WHO'S WHO IN THE ZONING PROCESS

Zoning Commission

11 members

- ☐ adopts the Zoning Code
- ☐ adopts map and text changes to the Zoning Code



Mayor



Board of Appeal

5 members

- ☐ hears appeals from interpretations of the Zoning Code and requests for variances and conditional uses



Boston Redevelopment Authority

- ☐ serves as planning staff to both the Zoning Commission and the Board of Appeal
- ☐ reviews all applications for variances, conditional use permits and zoning changes
- ☐ makes recommendations to Zoning Commission and Board of Appeal

Inspectional Services Department

- ☐ grants building and change in use/occupancy permits
- ☐ denies applications that don't conform to the zoning and building code
- ☐ issues permits after favorable decision by the Board of Appeal



HOW ZONING DISTRICTS WORK

Zoning regulates the height and size of buildings, the distance they should be from each other and the types of activities which may take place on the premises. In order to do this, the Zoning Code divides the City into districts.

The districts are:

Residential
Business
Industrial

Each district is broken down into subdistricts:

Residential includes:

S - Single Family—1-family homes
R - General—2-family, multifamily, townhouses
H - Apartment—any type of housing

Business includes:

L - Local—serving neighborhood needs
B - General—serving needs of city

Industrial includes:

M - Restricted—nonhazardous manufacturing
I - General—all manufacturing
W - Waterfront—waterfront access manufacturing

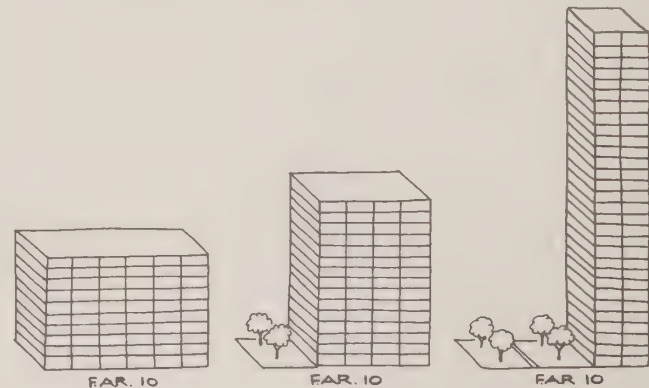
Each district includes a "floor area ratio" (FAR) restriction. FAR is the ratio between the amount of floor space in a building and the area of the lot in which the building stands:

- An FAR of 10 means that a building on a 10,000 square foot lot could have a maximum of 100,000 square feet of floor space.

Therefore, in an **R-5** zoning district, housing is permitted (with the exception of apartment complexes) and the floor space of each housing project can be no more than one half of the area of the lot.

Some districts also include height restrictions:

- In a **B-2-65** district, most types of business are permitted, the floor space can be no more than two times the area of the lot, and the maximum height is 65 feet.



Floor Area Ratio is the ratio of all floors in the building to the area of the lot. It measures building density directly and population density indirectly.

AERIAL VIEW



Residential R-8 & S-5 District

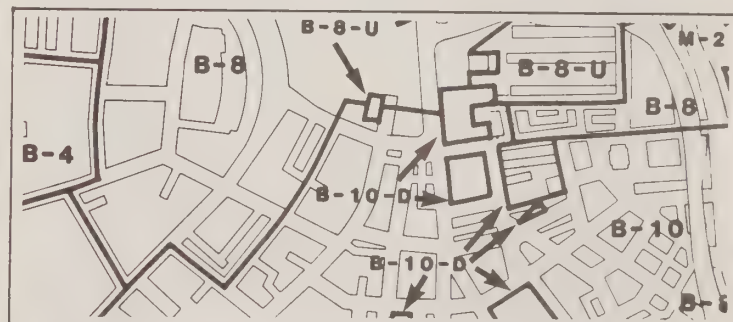
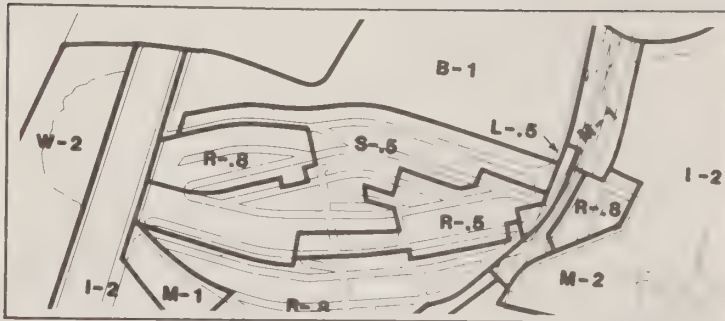


Business B-8 District



Industrial I-2 & M-1 District

ZONING MAP OF AERIAL VIEW



EXAMPLES OF DISTRICTS: TYPES AND USE

RESIDENTIAL

S-5 a district where only single family dwellings are permitted and each detached dwelling unit can have floor space equal to one half the area of the lot on which it stands.



H-2-65 a district where almost all types of housing are permitted and a building may have maximum floor space equal to twice the area of the lot on which it stands, with a maximum building height of 65 feet, or approximately 5 stories.



BUSINESS

L-2-65 a district where neighborhood businesses are permitted and the maximum floor space is equal to two times the area of the land on which the building stands, with a maximum building height of 65 feet.



INDUSTRIAL

M-1 a district where light manufacturing and industry are permitted and the maximum floor space is equal to the area of the land on which it stands.



ZONING DISTRICTS: USES

Different activities are permitted and forbidden in different districts in the city. You can find out what uses are permitted in a zoning district by referring to the Use Table in the Zoning Code.

The Use Table works like this:

I. You determine whether a use is permitted by referring to the Use Item you are interested in to see whether it is **Allowed (A)**, **Conditional (C)**, or **Forbidden (F)**.

- ☐ Conditional uses must be approved by the Board of Appeal

II. You refer to the district that you are interested in:

RESIDENTIAL BUSINESS INDUSTRIAL

S= Single **L**= Local **M**= Restricted
R= General **B**= General **I**= General
H= Apartment **W**= Waterfront

III. You find the Use Items in a table which looks like this:

USE ITEM	S	R	H	L	B	M	I	W
Semi-detached dwelling occupied by not more than one family on each side of a party wall.	F	A	A	A	A	F	F	A

Semi-detached dwellings are forbidden in single family residential districts, but are allowed in the general and apartment districts. They are allowed in both business districts and forbidden in industrial districts.



Triple-decker detached dwellings are an "Allowed" (A) use in all H-Districts.



Neighborhood stores are an example of local businesses in an L-District.



ZONING DISTRICTS CITY OF BOSTON MAP 7 BRIGHTON		
RESIDENCE DISTRICTS	BUSINESS DISTRICTS	INDUSTRIAL DISTRICTS
USE NO. USE NO. USE NO.	USE NO. USE NO. USE NO.	USE NO. USE NO. USE NO.
S-3 SINGLE FAMILY	L-5 LOCAL RETAIL & SERVICE STORES	M-2 LIGHT MANUFACTURING
R-5 TWO FAMILY	I-2 RETAIL BUSINESS	I-2 GENERAL MANUFACTURING
R-8 3 FAMILY, APTS	B-4 & OFFICES	W-2 WATERFRONT INDUSTRY
H-1 APARTMENTS		
H-2		
H-3		
H-4		
H-5		
----- ZONING DISTRICT BOUNDARY ----- HEALTH & WELFARE DISTRICT BOUNDARY ----- PREPARED BY THE BOSTON ZONING COMMISSION		
Scale in Feet		

A Zoning District's Map—Brighton.

☐ If there is a change in the use of land or a building such as:

- construction of a new building
- rehabilitation or renovation of a house, a shop, a warehouse
- addition to an existing structure;
example: a garage, a porch, an extra room, an "in-law" apartment
- change or addition of a building sign
- additional use,
example: adding a dry cleaning shop in a laundromat
- conversion from residential use;
example: a home to a daycare center, a single family home to a multi-family building.

☐ If someone in your neighborhood applies for a building permit, is refused on the basis of Zoning Code violations, and appeals the refusal.

example: a developer wants to expand a business onto part of the property adjacent to the original building and the Zoning Code does not permit him to do so—he appeals. . .

- abutters to the property in question will be notified**
- neighborhood groups will be notified
- a public hearing will take place, at which time the developer formally presents and describes the proposal, interested parties comment on it, and Board of Appeal makes a decision

☐ It is important to check in the newspaper and with your neighborhood organization, or the Mayor's Office of Neighborhood Services and the Boston Redevelopment Authority to see if zoning variances or other changes are being proposed for your area. The Boston Herald prints a notice of any public hearing as soon as possible in advance of the hearing. You have a right to attend these hearings and express your opinions on proposed changes.

** See Notification Process, p. 18



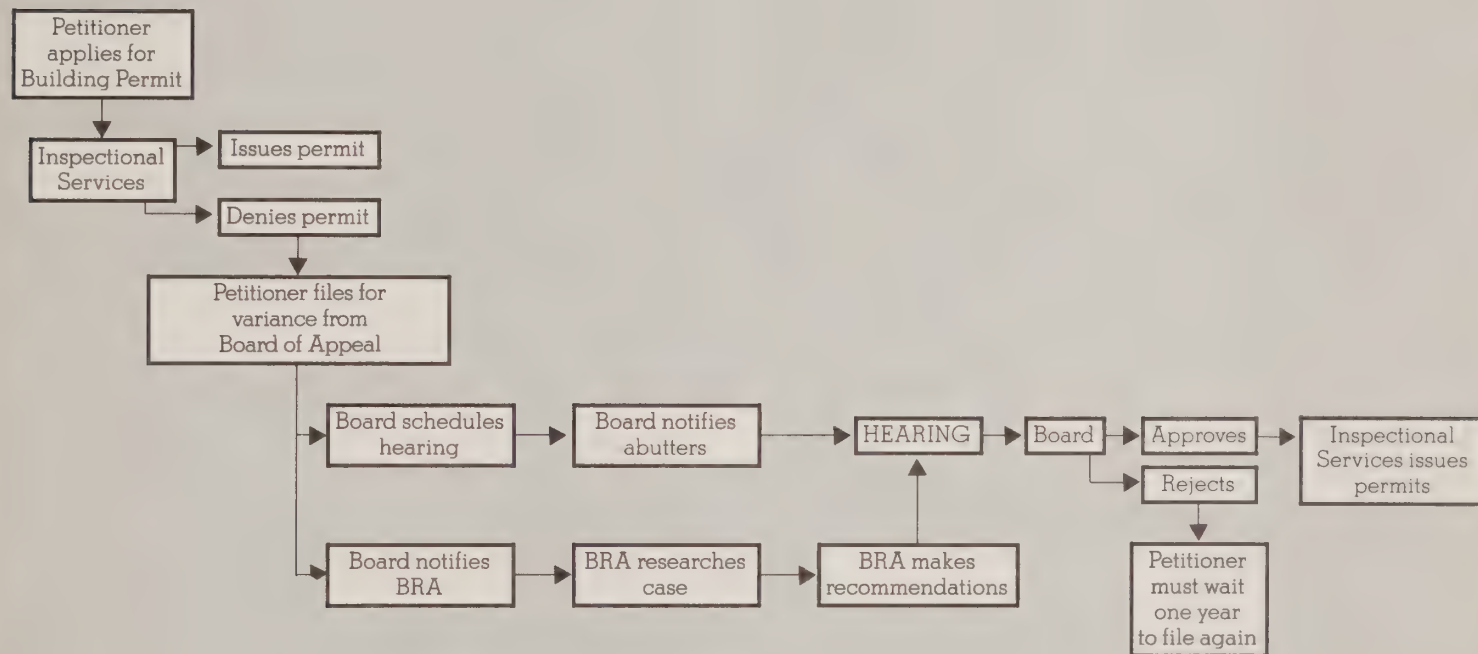
Rehabilitation of a home to a day care center is a change in land use.



An addition to an existing structure, such as a garage or an "in-law" apartment, is a change in land use.

APPEALS AND VARIANCE PROCESS

How to apply for, Conditional Use Permits and Variances



NOTIFICATION PROCESS

Notification occurs when an appeal for zoning relief has been submitted and the date for the public hearing has been set.

There are two sources of notification for an appeal for zoning relief:

1. A notification of a request for relief is sent as a courtesy by the Boston Redevelopment Authority to:
 - ☐ abutters
 - by letter
 - ☐ neighborhood associations and other interest groups
 - by letter
 - by phone
2. By law, a notification of the public hearing is sent by the Board of Appeal to:
 - ☐ abutters
 - when the appeal is to be heard
 - by mail before the hearing date
 - ☐ newspapers
 - as soon as possible before the hearing date
 - appears in the Boston Herald

ZONING COMMISSION HEARING SAMPLE NOTICE.

ZONING HEARING

The Zoning Commission of the City of Boston hereby gives notice, in accordance with Chapter 665 of the Acts of 1956, as amended, and with Section 3-1A of the Boston Zoning Code, that a public hearing will be held on Friday, March 21, 1986, at 9:45 A.M. in the Board Room of the Boston Redevelopment Authority, Ninth Floor, Boston City Hall, in connection with Map Amendment Applications No. 245 and No. 246 by the Boston Redevelopment Authority.

Said Application No. 245, in behalf of HBC Associates, proposes to add the suffix "D," indicating Planned Development Area overlay district, to the existing W-2 (waterfront industrial with a floor area ratio of 2.0) zoning designation of land bounded by a portion of Northern Avenue, Fort Point Channel, Boston Harbor, a portion of Pier 3, a portion of Northern Avenue, and the centerline of Northern Avenue.

Said Application No. 246, in behalf of the

Boston Mariner Company, Inc., proposes to add the suffix "D," indicating Planned Development Area overlay district, to the existing W-2 (waterfront industrial with a floor area ratio of 2.0) zoning designation of land bounded by the Fan Pier, Boston Harbor, Commonwealth Pier 5, and Northern Avenue and a certain remnant parcel resulting from the narrowing and partial abandonment of Northern Avenue.

Each "D" designation would be on the basis of a Master Plan. The Master Plans for both areas propose the development of residential, hotel, office and retail buildings, below-grade parking, and recreational, water-related and other uses.

Copies of the petitions, fact sheets, and maps of the areas involved may be obtained at the office of the Zoning Commission, Room 957, Boston City Hall, between the hours of 9:00 A.M. and 5:00 P.M. any day except Saturdays, Sundays and legal holidays.

March 10, 1986

From the Boston Herald



Citizens are encouraged to attend all public hearings that involve zoning.

WHAT CAN YOU DO?

In a city as large as Boston, it is difficult to monitor closely all development activity in the neighborhoods. The public's role in helping to keep track of illegal activity is therefore a very important one.

Some possible illegal uses include:

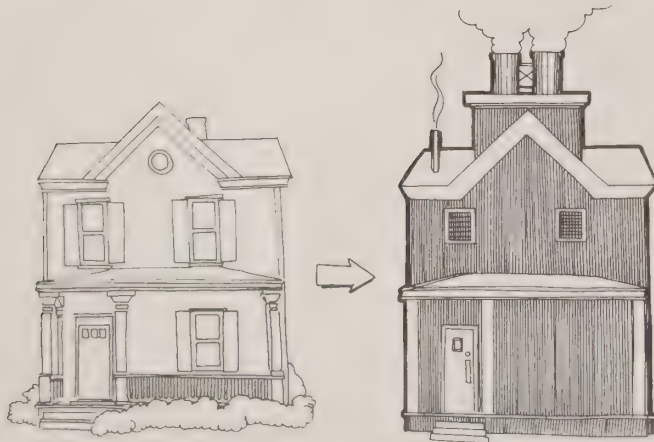
- ☐ changes in occupancy not permitted in the Zoning Code, e.g., a local shoe repair shop turned into a heavy machine shop; a single family home turned into a local business
- ☐ conversions without permits, e.g., a garage in a residential area converted to an apartment, part of a yard turned into a parking lot—if these are done without permits

These are not always easy to detect. People living in a neighborhood are more likely to notice unusual or suspicious activity.

Some clues might be—new additions, new businesses in a normally residential area, new parking areas which block passage or seem out of place, business activity in private homes.

These activities might all be legal, but they could also indicate blatant violation of the Zoning Code.

If you see these things or other activities about which you are unsure, call the Inspectional Services Department and inquire as to whether these changes occurred under permits.



Conversions without permits of homes to manufacturing or business use is illegal.



Call the Inspectional Services Department if you see activities in your neighborhood that might be a violation of the Zoning Code.



Auto body shops would be an illegal use in a residential district.

Another process the City uses to manage growth is the designation of **Planned Development Areas (PDA)**.

A PDA is a special zoning designation subject to approval by the BRA, the Zoning Commission and the Board of Appeal.

A PDA is an area of one acre or more where the city has designated specified development plans and where no development other than that specified in the plan may take place.

The development plan for a PDA sets forth the proposed location and appearance of buildings, parking areas, proposed uses, densities, height limits and building dimensions.

Most importantly, PDA restrictions are specific to the area where the planned development is taking place.

As do IPODs, PDAs attempt to address concerns of the surrounding neighborhood about uncontrolled development. For instance, if residents express concern over parking in the area, the PDA could require off-street parking or the creation of extra parking spaces. As well, a PDA might permit larger FAR's and building heights, or restrict FAR's and building heights in order to allow a development project which is appropriate for the area.

By establishing a PDA, the City is able to work within Zoning regulations and create controls on development projects more in keeping with the City's present and future goals.



75 State Street is a P.D.A. project in Downtown Boston—State Street



Kilby Street elevation of 75 State Street



Where to go if you want to:

	Where	Phone
<i>Apply for a variance</i>	Inspectional Services, 1010 Mass. Ave.	725-4000
<i>Make a complaint about suspected Zoning violation</i>	Inspectional Services, 1010 Mass. Ave.	725-4000
<i>Find out about a Zoning-related activity in your neighborhood</i>	Zoning Office, BRA Mayor's Office of Neighborhood Services	722-4300 725-3485
<i>Find out about allowed uses in a specific district or area</i>	Zoning Office, BRA City Hall	722-4300
<i>Obtain a building permit</i>	Inspectional Services, 1010 Mass. Ave.	<i>Must be obtained in person</i>
<i>Arrange a building inspection</i>	Inspectional Services, 1010 Mass. Ave.	725-4000
<i>Obtain a Zoning Code</i>	Inspectional Services, 1010 Mass. Ave.	725-4000
<i>Obtain a Zoning Map</i>	Mapping Office, BRA or Inspectional Services Department	722-4300
<i>Other Information</i>	BRA Library, Public Information, Research, City Hall 9th Floor	722-4300

CITY OF BOSTON
RAYMOND L. FLYNN, *Mayor*

BOSTON REDEVELOPMENT AUTHORITY

ROBERT L. FARRELL, *Chairman*
JOSEPH J. WALSH, *Vice-Chairman*
JAMES K. FLAHERTY, *Treasurer*
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1986

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